

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

determined and studied these Nature religions in all their forms, which included other belief systems that have a multi-deity core belief.

7. I was used to hardships and going down this path on my own, as Paganism/Wicca was not a common practice where I lived. Those I grew up with, both family and friends, were Catholic or of a similar Catholic belief system. It took many years for me to meet like-minded individuals who were on the same Nature path as me.
8. In the early days, I found other Pagans/Wiccans at a religious goods store in NYC called “The Magickal Childe.” It was there that I was introduced to different types of Pagan paths. To know which was right for me, I explored as many of them as I could.
9. I spent years taking classes and having mentors, teachers, High Priests, and High Priestesses guiding me. I learned all about the different Nature paths, Pagan systems, and Wiccan Gods, and joined many Pagan and Wiccan groups. I was exposed to all the wonderful gifts Nature and the Gods have given to us and how the Mind, Body and Soul are connected to Nature through the Gods.
10. Though many years of studies, I have found a connection with the Ancient Gods through various methods such as nature, herbs, oils, aroma therapy, meditation, and self-reflection. I began working with Tarot cards, Crystals, Gems, and Rune stones to connect to the Gods and hear their messages. Once I became proficient enough, I even began teaching classes.
11. Embracing the Wheel of the Year is critical to the Pagan/Wiccan path. The wheel of the year is also known as the Cycle of Life. In Paganism and Wicca, 3 (THREE) is a magical number. The Power of 3 is critical in our belief system. It embraces the idea that we are born, we die, and we are reborn. The Wheel of the Year is an ancient practice based on the

Solar and Luna calendars. It aids me with celebrating my connection to Nature and our Ancestors.

12. The following is an energy raising chant that I engage in that represents this cycle of life, death, and rebirth: *Hoof and Horn. Hoof and Horn. All that dies shall be reborn. Corn and grain. Corn and grain. All that falls shall rise again.*
13. The Sun, Moon, and Stars are another example of the power of 3, as well as a mother going through 3 stages of pregnancy. Each stage is 3 months long and further connects a mother to her child in a magical and nature-based way.
14. The following is a chant for closing a typical ceremony in which we state the power of 3 and bless all those who were in attendance: *Merry Meet, Merry Part, and Merry Meet Again.*
15. It was upon adopting these religious beliefs that I embraced a healthier way of living. My connection to the Earth and my impact upon her was clear. What I put into my body had an effect on my connection to her. The more toxins I put into my body, the less I felt connected to The Gods. The healthier I ate and lived, the more of a connection I had with the Earth.
16. It was then that I knew I had to limit the toxins, medication, and vaccines I put into my body and find more natural remedies for healing purposes. Through much research of Wiccan teachings and soul searching with my Gods, I choose to use a more natural path and trust in my body to heal itself. This provides me a deeper connection to my Ancient Gods.
17. The following is a Goddess chant that I use to connect to the Goddess during times of

spiritual need: *Isis, Astarte, Diana, Hecate, Demeter, Kali, Inanna.*

18. I saw that when I took medication for my ailments, I lost a connection to my Ancient Gods. I was stripping away with man-made medications and vaccines the healings the Gods provide for me naturally. I am convinced this is the reason I lost my connection to the Ancient Gods for many years. I gave man-made medicine a higher value than my relationship with my Gods and their natural provision for me.

19. During my journey, I received a calling from the Gods to seek out Coven work and leave the solitary eclectic path. It was then that the Ancient Gods inspired me to aid others in their journey. During this time in 2006, I wrote and published a book that is a compilation of struggles and successes in my connection with the Gods.

20. The following is the God chant that I use when I need Strength in my life and guidance:

Listen to the words of the Great Father, who of old was called Osiris, Adonis, Zeus, Thor, Pan, Cernunnos, Herne, Lugh, and by many other names. My law is harmony with all things. Mine is the secret that opens the gates of life and mine body is the earth that is called Cernunnos. That is the eternal circle of rebirth.

21. I was ordained as a High Priestess (HPS) in my British Traditional Wiccan religion over 15 years ago. A HPS is a highly regarded spiritual leader. I spent years studying and training so that I can be a guiding light for those on the Wiccan path. I have led religious study groups, taught aspects of the Nature Wiccan path, and have taught spiritual groups known as Covens.

22. I am also raising my children on the Wiccan spiritual path.

Religious Objections to Vaccinations

23. A major part of the Wiccan belief system is an individual's right to decide and choose the path in which they want to live, body, mind, and soul. This means it is critical that I make life and health decisions that I feel are best for me as I walk the Wiccan Path. It is against my religious beliefs for me to take anything that goes against my best judgment, as informed by my understanding of the Wiccan belief system, and Gods-given free will to use Nature the way we were designed to use it.
24. Our connection and worship of the elements (often represented by a 5-pointed star), Earth, Air, Fire, Water and Spirit, is the way we see and connect to the world around us in the Wiccan Faith. Earth is our body. Air is the breath we take in. Water is the fluid in our bodies. Fire is our blood, and Spirit is our mind and soul which has reincarnated and shall reincarnate again.
25. The following is one of my religious chants which helps me connect to the Ancient Wiccan Gods of Nature: *Air I am. Fire I am. Water, Earth, and Spirit I am.*
26. One of the religious convictions I have is the Mind/Heart/Soul/Body Connection. To harm one is to harm the rest. The loss of one of these connections would be painful. The loss of all of them would be devastating. I cannot imagine how my life would proceed if that was to happen. It is against my religious beliefs to take any vaccine which would destroy my connection to the Earth by damaging my body and severing any of these ties.
27. Until recently, I was unaware that I had the right to refuse vaccines based on a religious exemption. When starting at The Child Study Center in October of 2018, I was told that I had to have my vaccine status updated to secure my position.

28. I was a single parent with two young children and desperately needed the job, so I complied, but it hurt my core to do so. I felt like I had betrayed my beliefs and tainted my relationship with the Ancient Gods in doing it.
29. Since having that experience, I had a disruption in my Connection to the Ancient Gods, which has tortured my soul for years. I have therefore vowed to never go against my religious beliefs again, and to remain pure in body, mind, and soul in order to be with my Gods and in their good graces.
30. Living in a natural way is how Mother Nature and the Gods have intended me to exist. I am created in their image. It has taken many years to start to feel that connection to my Gods again and I shall not let any vaccine or test destroy my connection to them again.

Agency Religious Exemption Procedure

31. On September 9, 2021, I submitted my request for a religious exemption to James Magalee, the Executive Director & CEO of The Child Study Center of New York.
32. A copy of the documentation I submitted is attached as Exhibit A.
33. On September 20, 2021, Mr. Magalee denied my request in an email that stated the following:

We are in receipt of your request for [a] religious exemption as [it] relates to the NYC-mandated vaccination requirement for our employees.

Unfortunately due to NYC directives that apply to Department of Education-contracted early childhood programs, they are not allowing any exemptions for religion or disability at this time. If this disallowance stands, we cannot provide you such an exemption. Also, because your job responsibilities require you to be in person with the children, we do not have any remote work available at this time.

Should your vaccination status change, please let us know. Also, if the current directives/mandates change, we will keep in touch.

34. A true and correct copy of the denial is attached as Exhibit B.

35. My employer never even attempted to accommodate my religious beliefs or initiate a dialogue with me about any possible accommodations, even though I had worked remotely during the pandemic from March-October 2020.

36. On September 24, 2021, I received a second letter from Mr. Magalee stating the following:

As you are aware, the city of New York Department of Education has mandated that all 4410 program staff have at least the first dose of an approved, two-dose COVID-19 vaccination regimen when school commences on Monday, September 27, 2021. To date, our records show that you have voluntarily not complied with this mandate. Please be aware that if you do not present evidence of at least one dose of an approved COVID-19 vaccination, you will be out of compliance with the New York City Department of Education's directive, excluding you from being eligible to be on the premises of our schools on Monday, September 27, 2021.

As the nature of your job requires you to be physically present in the building with the students and other staff, who would be at increased risk because of your non-compliance, we will have no alternative but to consider your employment terminated, effective when the mandate becomes enforceable on Monday, September 27, 2021. Should your vaccination status change, please keep us informed. We wish you the best of luck in your future endeavors.

37. A true and correct copy of this non-compliance letter is attached as Exhibit C.

38. I was not given the opportunity to appeal my denial.

39. I have now been terminated from my job because I would not violate my sincerely held religious beliefs and receive a Covid-19 vaccination.

40. If at any time during the course of this litigation, the district judge in the consolidated cases of *Kane v. di Blasio* and *Keil v. City of New York*, 21-cv-07863 (S.D.N.Y. 2021) ("Kane/Keil") certifies a class of all persons employed directly or indirectly by the NYC Department of Education who assert religious objections to its vaccination mandate, I agree

to either (1) withdraw as a plaintiff from this case, or (2) opt out of the certified class in Kane/Keil. I will not, under any circumstances, continue as a plaintiff in this case while opting in to a certified class in Kane/Keil.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 9, 2022


By: Janine DeMartini